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In re Application of
Robert J. Steffan et al
Application No.: 10/088,991
PCT No.: PCT/US00/14637
Int. Filing Date: 26 May 2000
Priority Date: 28 May 1999
Attorney's Docket No.: P23,149A USA
For: Preparation of Enatio-Specific Expoxides

DECISION ON
PETITION UNDER
37 CFR 1.137(b)

This is in response to the "Petition to Revive an Unintentionally Abandoned Application Pursuant 37 CFR 1.137(b)."

BACKGROUND

On 26 May 2000, this international application was filed, claiming an earliest priority date of 28 May 1999.

On 20 December 2000, a Demand electing the United States was filed in this international application. Accordingly, the deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 28 November 2001. This international application became abandoned with respect to the United States at midnight on 28 November 2001 for failure pay the basic national fee.

On 27 February 2002, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, and a transmittal letter for entry into the national stage in the U.S. under 35 U.S.C. 371, which was accompanied by, *inter alia*, the U.S. basic national fee and an executed declaration.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional

information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting the basic national filing fee, (2) the petition fee set forth in § 1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371.



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